

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Stanford Glaberson, et. al,	§	Civ. No. 03-6604 (JP)
	§	The Honorable John R. Padova
Plaintiffs,	§	
	§	
v.	§	
	§	
Comcast Corporation, et al.	§	
	§	
Defendants.	§	

PLAINTIFF’S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Pursuant to Rules 23(e) and 54 of the Federal Rules of Civil Procedure, Plaintiff Stanford Glaberson moves the Court for the entry of Final Judgment: (a) finally approving the proposed settlement of this action set forth in the Class Action Settlement Agreement (the “Settlement”) (ECF No. 608-2) and (b) dismissing this case with prejudice against Defendants according to the terms of the Settlement.

This Motion, supported by Plaintiff’s Memorandum in Support of Final Approval of Class Action Settlement, the Declaration of Katherine Kinsella Regarding Implementation of Class Notice Plan, the Declaration of Joel Botzet Regarding Notification and Administration Services and the Declaration of Christine McGinty, and further based on all papers and records filed in this matter, is made on the following grounds:

1. As set forth in the Court’s December 12, 2014 Order-Memorandum, ECF No. 614 (“Preliminary Approval Order”), the Philadelphia Settlement Class, as defined in the Settlement Agreement, meets the requirements of Rule 23(a) and Rule 23(b)(3).

2. The Settlement is entitled to an initial presumption of fairness because the settlement negotiations were undertaken at arm’s-length by experienced counsel who entered into the negotiations following extensive discovery into the facts of the case and no member of

the Settlement Class has objected to date. *In re Cendant Corp. Litig.*, 264 F.3d 201, 232 n.18 (3d Cir. 2001); *In re Warfarin Sodium Antitrust Litig.*, 391 F.3d 516, 535 (3d Cir. 2004).

3. The Settlement is fair, reasonable and adequate, and the nine *Girsh* factors and relevant *Prudential* factors strongly support approval. *Girsh v. Jepsen*, 521 F.2d 153, 156-157 (3d Cir. 1975); *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 323 (3d Cir. 1998). Among other things, the Settlement is fair, reasonable and adequate given the complexity, expense, and likely duration of the litigation, the stage of the proceedings, and the costs and risks involved in the litigation. Class Members' reaction to date has been positive.

4. Pursuant to the multi-faceted notice plan set forth in the Court's Preliminary Approval Order, which the Court found to be fair and reasonable and to comply with due process and Rule 23(c), the Settlement Class has been notified of the Settlement.

5. Pursuant to LR 7.1(b), the parties have conferred and Comcast's counsel has advised Plaintiff's counsel that Comcast does not contest this motion but intends to submit a brief response.

WHEREFORE, based on the foregoing, and for the reasons set forth in the accompanying memorandum and declarations, we respectfully urge the Court to grant Plaintiff's Motion and enter the agreed upon proposed Final Judgment (attached to the Settlement Agreement as Exhibit H (ECF No. 608-2)).

Dated: May 11, 2015

Respectfully submitted,

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**Attorneys for Plaintiff Stanford
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CERTIFICATE OF CONFERENCE

Alycia Regan Benenati, counsel for Comcast, has advised that Comcast does not contest this motion but intends to submit a brief response.

s/ David Woodward
David Woodward

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on this day, May 11, 2015, he caused to be served copies of the foregoing Motion; Plaintiff's Memorandum in Support of Motion for Final Approval of Class Action Settlement, Declaration of Katherine Kinsella Regarding Implementation of Class Notice Plan, Declaration of Joel Botzet Regarding Notification and Administration Services and Declaration of Christine McGinty on the following counsel by the Court's ECF system.

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